

REMARKS

Claims 1-19 are pending in this application. All claims are under examination.

The rejection under 35 USC 112 is traversed but is believed to have been overcome by the amendments now made.

The Examiner is thanked for suggesting changes that would result in allowance. It is believed that all such changes have now been made and that no other changes are required.

CONCLUSION

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact David R. Murphy (Reg. No. 22,751) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

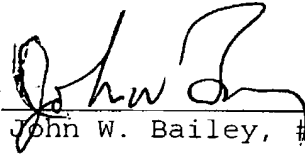
Appl. No. 09/846,259

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.


Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By



John W. Bailey, #32,881


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this information to his/her satisfaction.

Rebate is available only to buyers who close escrow/proceed to final settlement with zipRealty, Inc. ("zipRealty") acting as their sole and exclusive agent in the purchase of real estate. For homes with a final sales price of \$100,000.00 or more, the Buyer's Rebate is one quarter (1/4) of the cooperating broker commission or fee actually received by zipRealty at the close of escrow/settlement for representing the buyer, up to one percent (1%) of the final sales price. For homes with a final sales price between \$75,000.00 and \$99,999.99, the Buyer's Rebate is \$500.00. No rebate is offered for homes with a final sales price under \$75,000.00. For homes with a final sales price under \$60,000.00, the buyer will be responsible for paying up to \$1,000.00 to zipRealty until zipRealty receives a minimum of \$2,000.00 in commission or fees. The amount of cooperating broker commission or fee received will vary on individual properties so the actual rebate may be less than 1% of the final sales price. Actual rebate amount could be less than those listed above. This rebate program is only available where permitted under state and federal law and when not otherwise prohibited by the buyer's lender(s). There may be tax consequences to the rebate. If you need legal or tax advice, you should consult with the appropriate professional. Offer subject to conditions, limitations, exclusions, modifications, and/or discontinuation without notice.

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